

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**BOBBY WAYNE PRESLEY,** )  
                                )  
                                )  
**Plaintiff,**                 )  
                                )  
v.                              )                           **Case No. CIV-10-252-SPS**  
                                )  
**UNION PACIFIC RAILROAD**    )  
**COMPANY,**                    )  
                                )  
**Defendant.**                 )

**OPINION AND ORDER DENYING DEFENDANT UNION PACIFIC  
RAILROAD COMPANY'S MOTION FOR SUMMARY JUDGMENT**

Upon consideration of the Defendant's Motion for Summary Judgment [Docket No. 131], the Court finds genuine issues of material fact regarding the issue of liability. The existence of such fact questions preclude summary judgment, *see* Fed. R. Civ. P. 56(a) ("The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."), and the Defendant's motion is accordingly hereby DENIED.

**DATED** this 9th day of January, 2014.

  
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Steven P. Shredér  
United States Magistrate Judge  
Eastern District of Oklahoma